



**US Army Corps  
of Engineers.**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
CENAP-OP-R-2007-229 (IP)

Date  
**MAR 29 2007**

Application No.  
2007-229 (IP)

File No.  
CENAP-OP-R-2007-229-26

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act & Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: RUGGIERO, CHARLES & RUTH

AGENT: COASTAL & ESTUARINE RESEARCH, INC., LEWES, DELAWARE

WATERWAY: LEWES AND REHOBOTH CANAL

LOCATION: TAX PARCEL NO. 3-35-4.18-85.01, PILOTTOWN ROAD (AT CAREY LANE)  
LEWES AND REHOBOTH CANAL, LEWES, SUSSEX COUNTY, DELAWARE

PURPOSE: MOOR FOUR (4) BOATS

ACTIVITY: Removal of two (2) existing piers, and to construct two (2) 24' x 4' aluminum gangways, two (2) 24' x 6' floating piers, four (4) mooring piles, and a retaining wall landward of the Federal 404 High Tide Line.

As identified above the applicant proposes to perform the work depicted on Enclosures [E1-E8] dated December 2006.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, page 81.

No listed threatened or endangered fish species or essential fish habitat (EFH) are known to exist in the Lewes and Rehoboth (L&R) Canal. The proposed work is temporary in nature and will consist of installing piles to support the pier and dock. No dredging is proposed with the project. The L& R Canal is in a naturally turbid erosional state, exposed to high seasonal wave energy due to heavy boat traffic.

Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work. As such, this office has determined that there will be no effect on EFH resources or the listed fish species in this area.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Kevin E. Faust at 302 736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch

**REMOVE TWO EXISTING FIXED PIERS;  
CONSTRUCT TWO (2) 24' X 4' ALUMINUM GANGWAYS,  
TWO (2) 24' X 6' FLOATING PIERS; AND 4 FREE-STANDING PILINGS**  
IN: Lewes & Rehoboth Canal  
AT: Tax Map Parcel #3-35-4.18-85.1; Pilottown Road,  
Lewes, Sussex County, DE 19958  
APPLICANTS: Charles & Ruth Ruggiero  
DATE: December, 2006

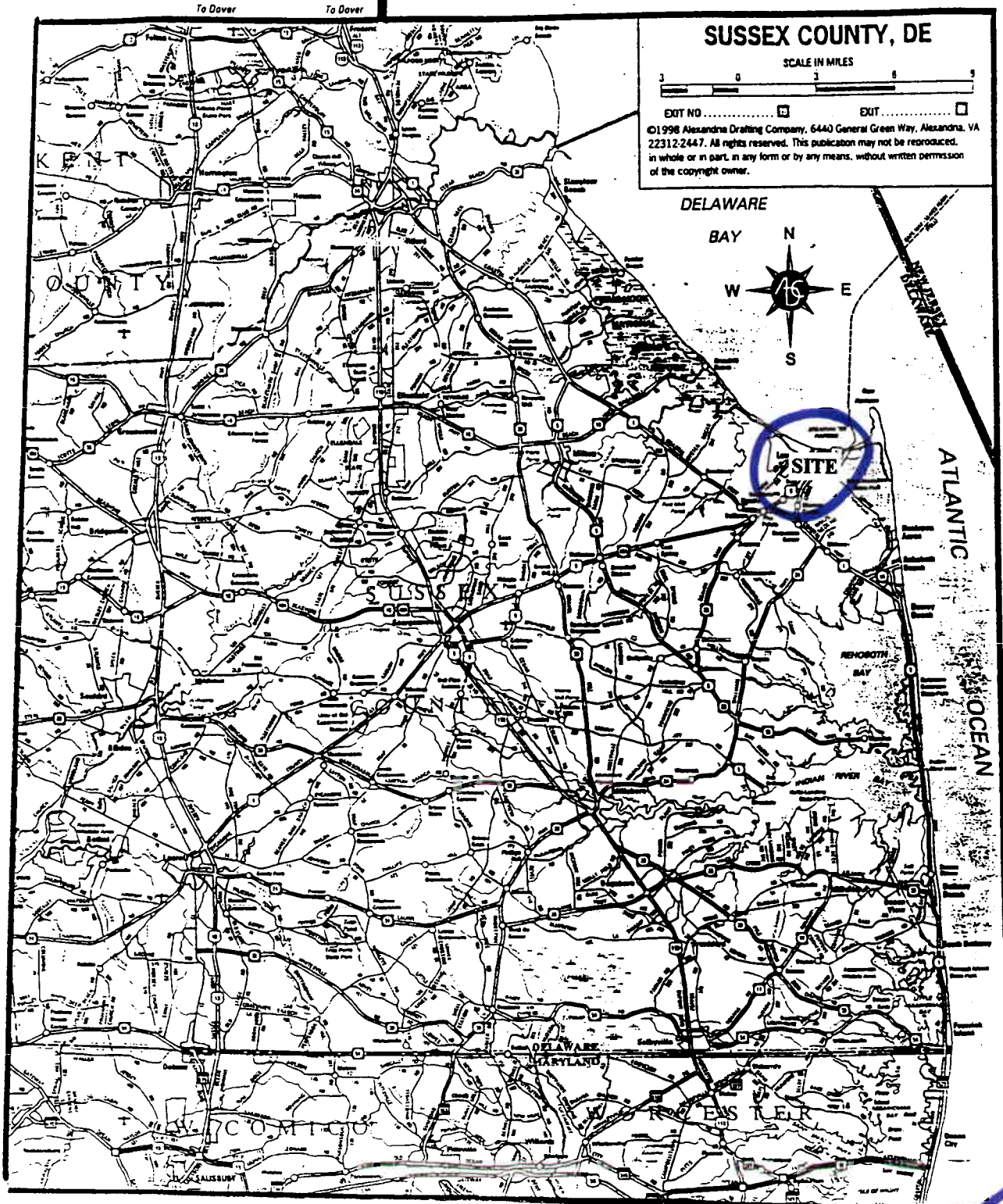


Figure 1. Map of Sussex County, Delaware, showing project site, Lewes. Scale as shown.

E.1

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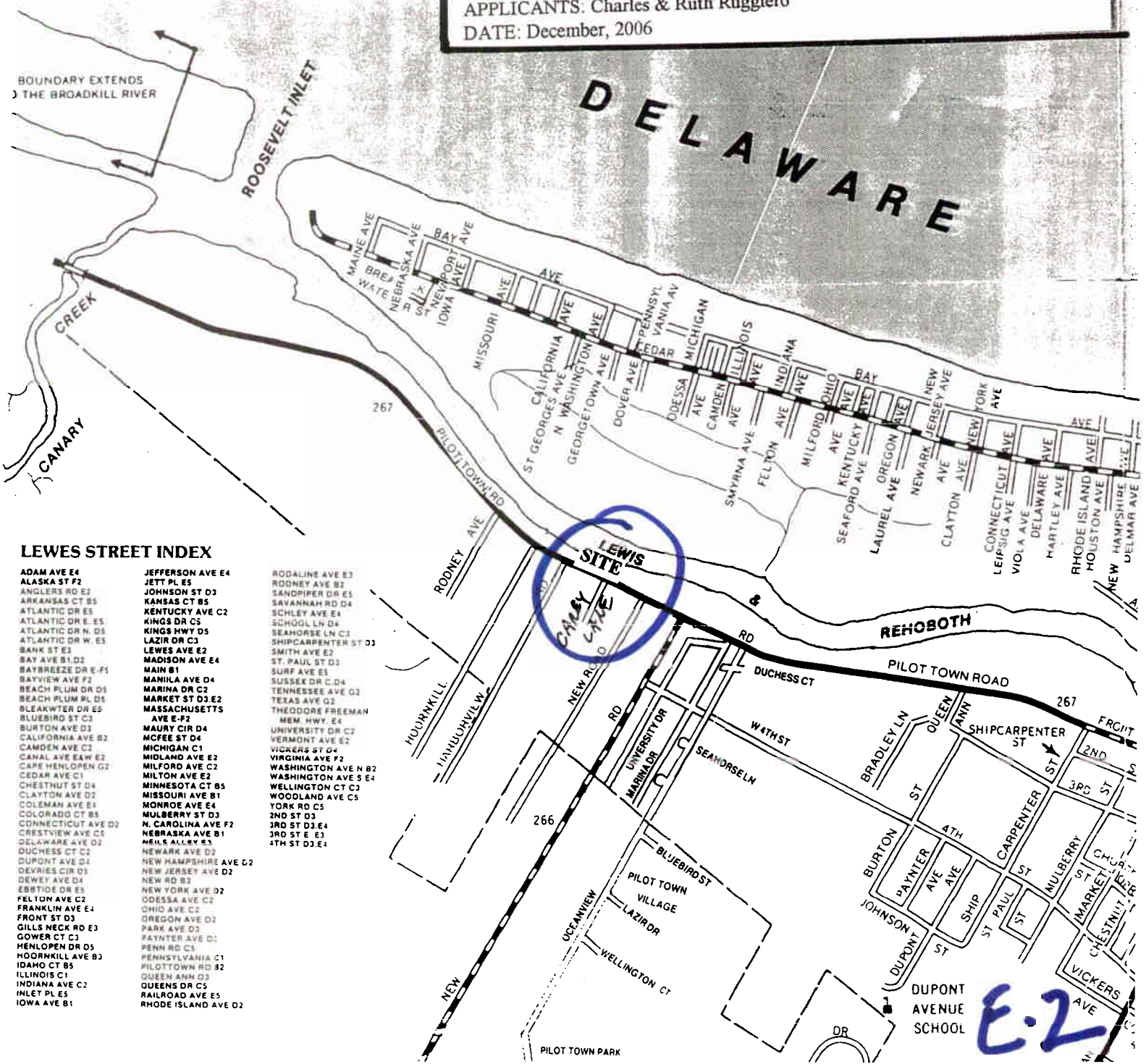


Figure 2. Map of Lewes, Sussex County, Delaware, showing project site, Lewes and Rehoboth Canal at Pilottown Road and Carey Lane (Tax Map Parcel #3-35-4.18-85.01), opposite house at 522 Pilottown Road. Directions to site (from Dover, DE) Route 113 southbound to Milford; Route 1 southbound; left turn at Nassau onto Nassau Road; left onto New Road; continue on New Road to end at Pilottown Road; left onto Pilottown Road one block to Carey Lane, site is on right, existing docking facilities (two fixed piers) opposite house at 522 Pilottown Road (on left).

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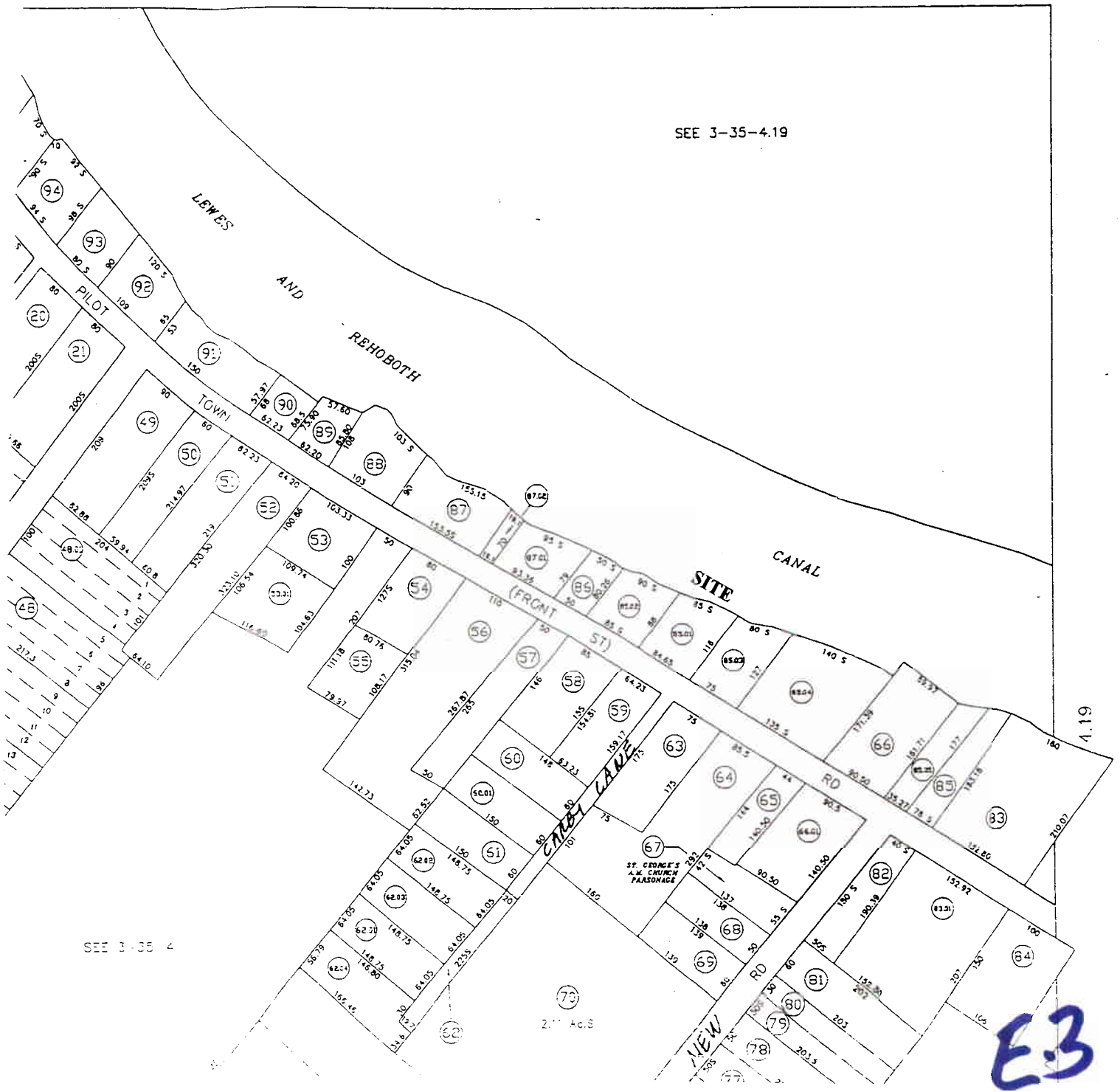


Figure 3. Sussex County, Delaware Tax Map #3-35-4.18 showing site, parcel 85.01

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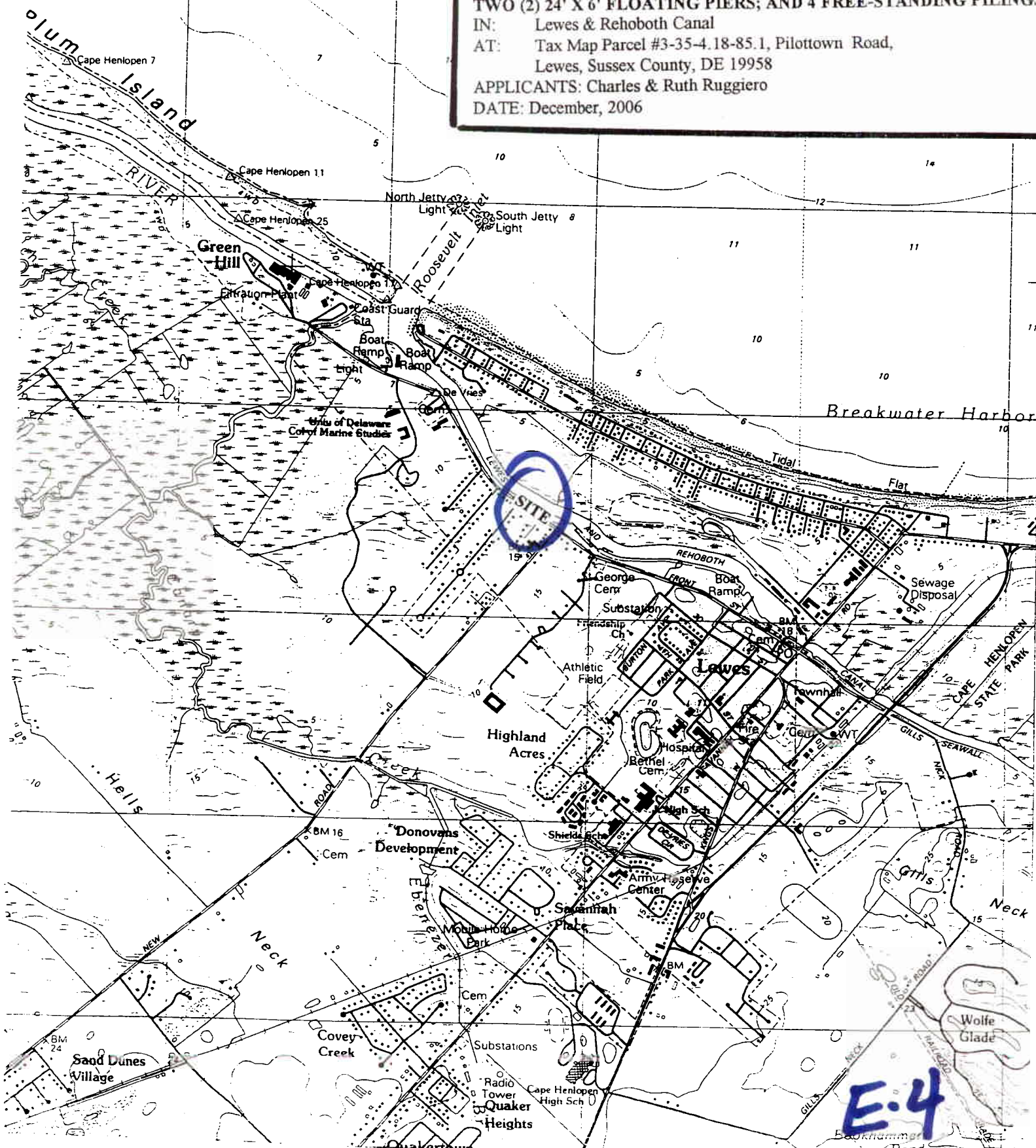


Figure 4. Site location on U.S.G.S. topographic map, Lewes, Delaware. Site is adjacent to Lewes and Rehoboth Canal, Lewes, Delaware. Scale: 1" = 2 000'

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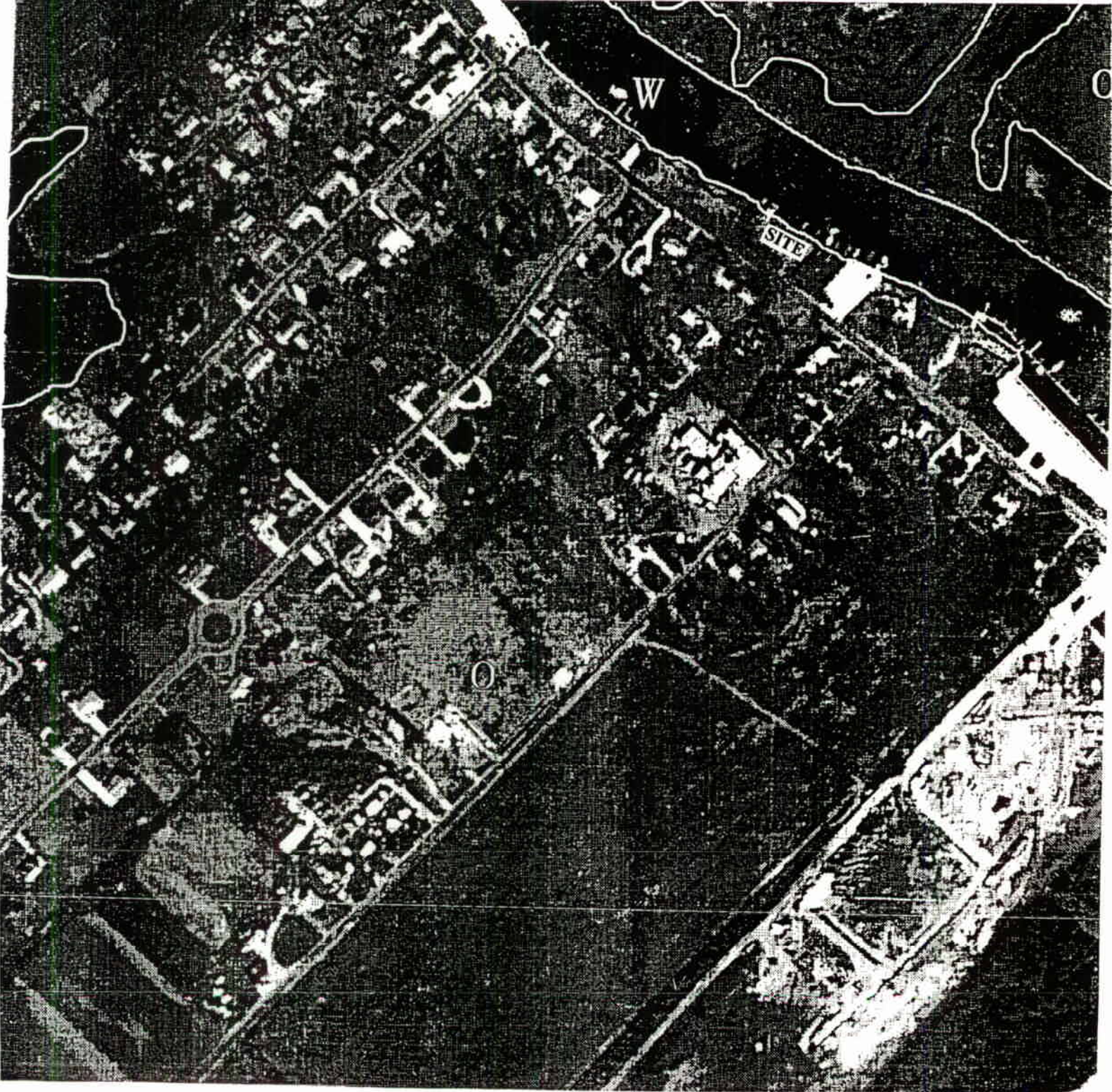


Figure 5. Site location on State of Delaware DNREC Wetland Map #DNR087. No DNREC-regulated wetlands mapped on site. Scale: 1" = 300'.

E-5

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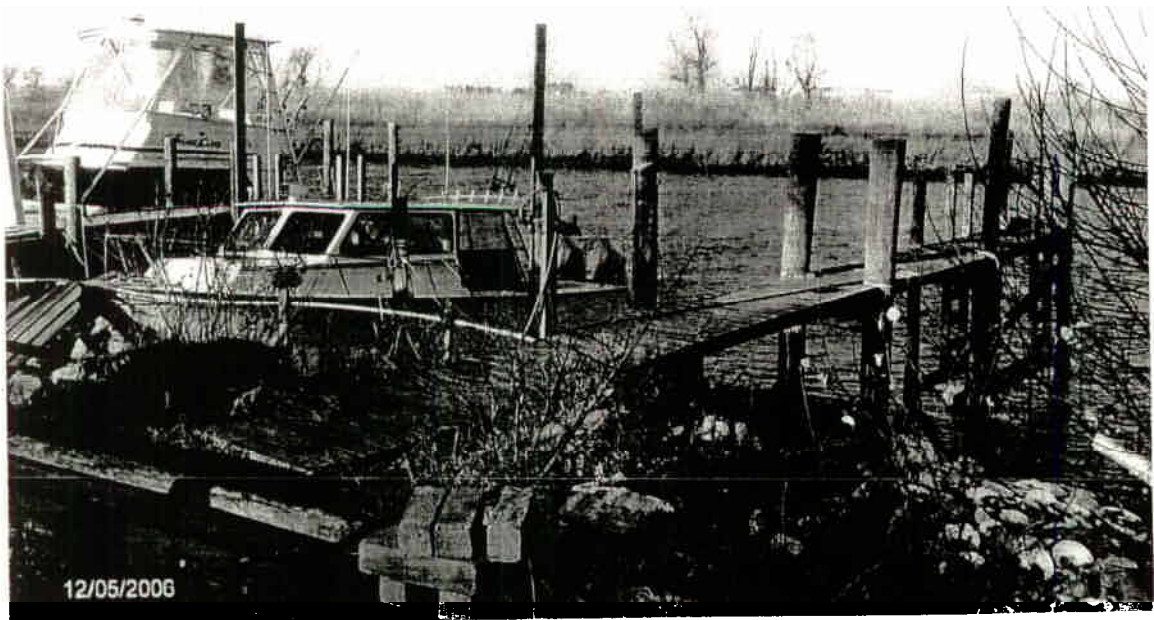
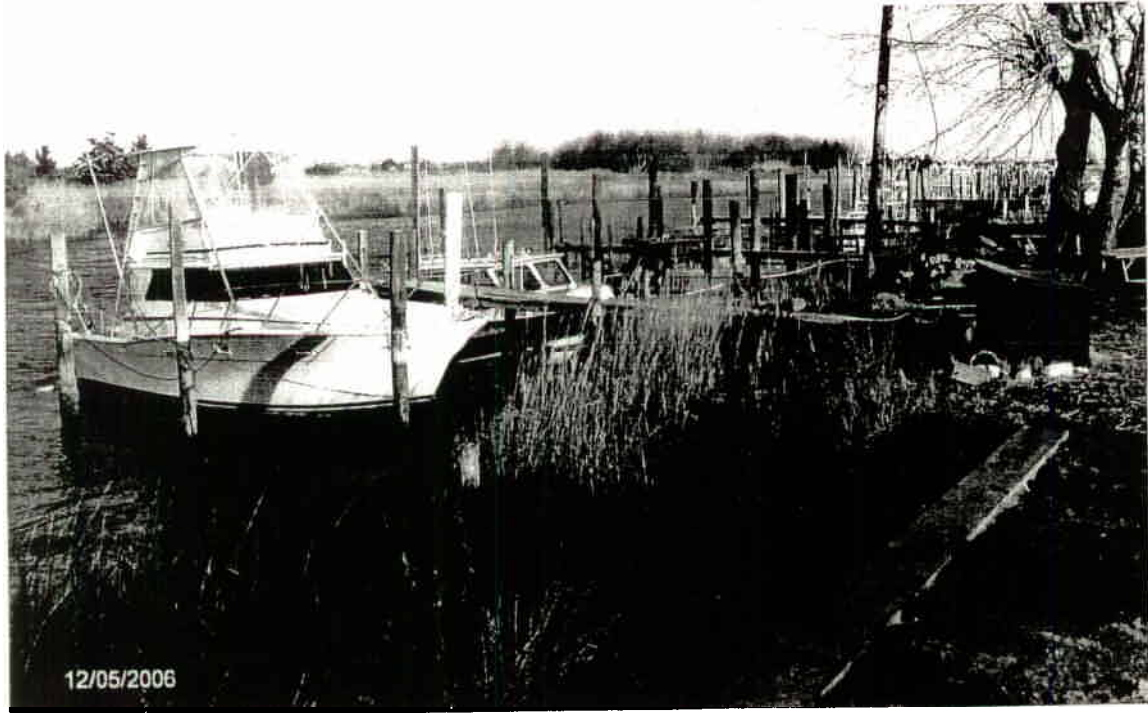


Figure 6. Photographs of site, Tax Map Parcel #3-35-4.18-85.01, Pilottown Road, Lewes, Sussex County, Delaware, adjacent to Lewes and Rehoboth Canal. Applicants propose to remove two existing fixed piers, and to construct two (2) 24' x 4' aluminum gangways and two (2) 24' x 6' floating piers with four (4) pilings Purpose is to moor four (4) vessels. Proposed project will not change use of site (four slips already present). Applicants also propose to construct a vinyl retaining wall landward of MHW/wetland line (out of DNREC/Corps jurisdiction), to be connected to existing retaining wall at adjacent property.

E6

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LEWES & REHOBOTH CANAL  
 Ebb ← → Flood  
 ← Apprx. edge of channel

PRECISION MARINE CONSTRUCTION INC.  
 2 Woodbridge Hills  
 Rehoboth Beach, DE 19971  
 Scale: 1" = 10' Date: 1-3-07 Number 1307-1  
 R. Whitford

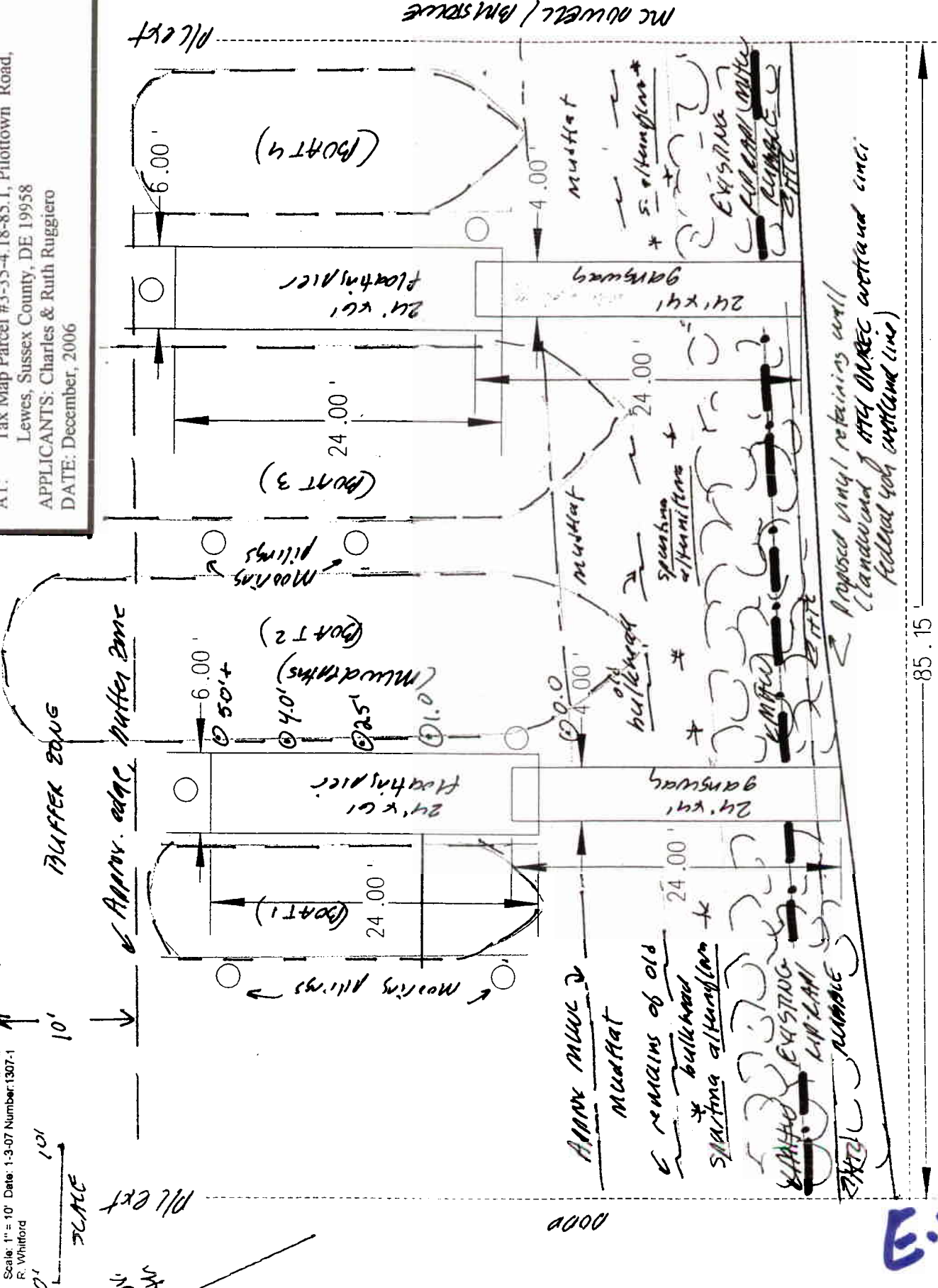


Figure 7. Plan view of proposed project (prepared by Precision Marine Construction, Inc.).  
 Diagram for permit application purposes only.

E-7

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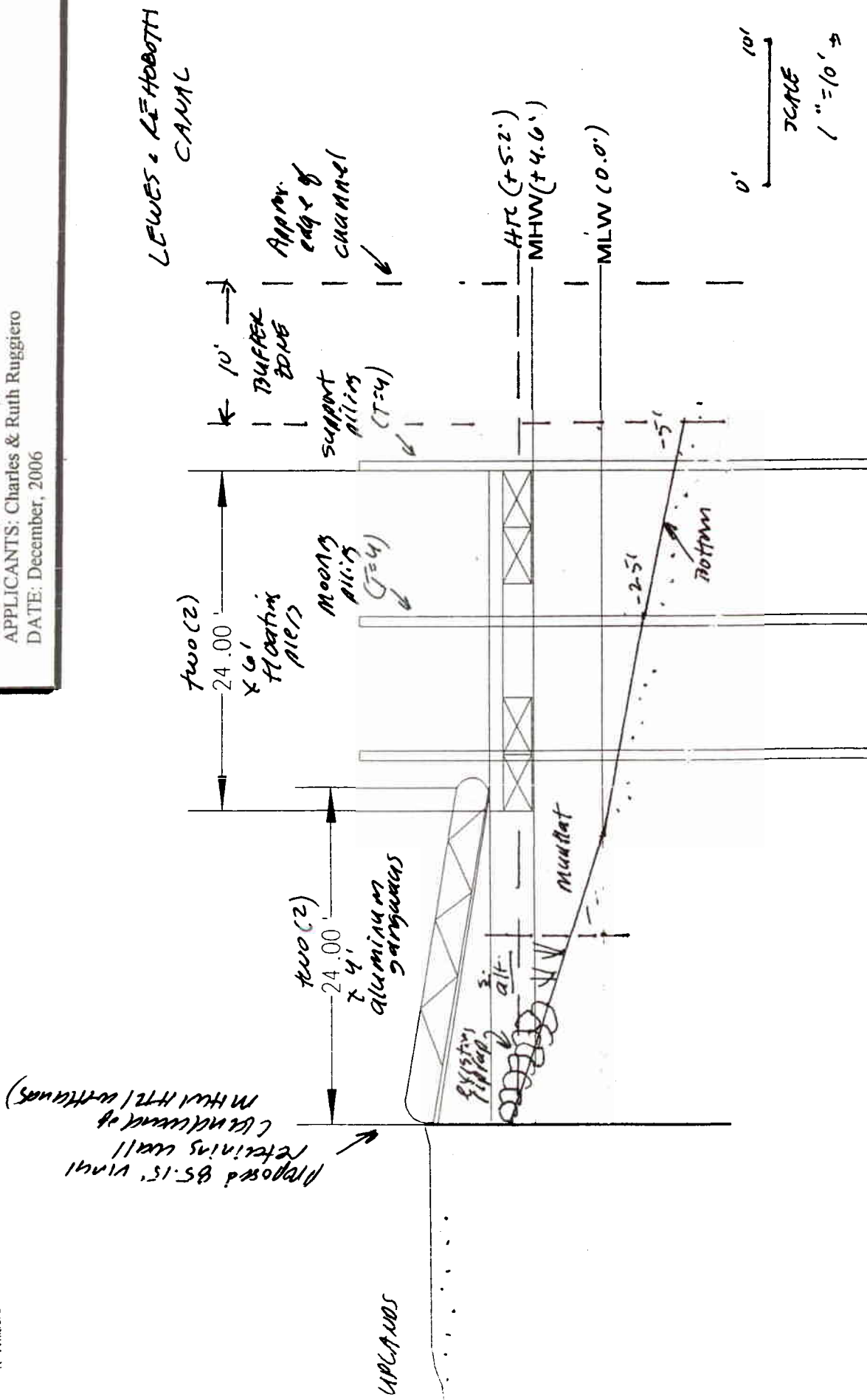


Figure 8. Cross-section sketch of proposed project (prepared by Precision Marine Construction, Inc.). Sketch for permit application purposes only.

E-8